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Remarks

Claims 1-17 remain pending in the application.

The Office Action rejects all the claims without offering any analysis beyond the mere assertion that the claimed invention is an "obvious matter of design choice." The Examiner's conclusion that the shape of the groove required by the claims is merely an "obvious matter of design choice" is unfounded and improper as a substitute for the required analysis of patentability. The case of Graham v. John Deere Co., 383 U.S. 1 (1966), eliminates application of all such maxims in favor of the mandated test for patentability. The rejection based on design choice appears to be offered as a substitute for the test required by Graham v. John Deere, which is improper. Graham v. John Deere requires identification of some pre-existing motivation to combine prior art references to achieve the claimed combination. The mere statement that, in any one persons opinion, a given element is an "obvious matter of design choice" does not accomplish the legally required inquiry. There is no rational basis for application of such an assertion, and thus the assertion deprives the applicant of his right to have his application considered under uniform standards on par with all other applicants. Accordingly, the rejection should be withdrawn absent some identification of a motivation to make the claimed "design choice."

The Examiner's statement that the Applicant has not stated that the claimed inventions solves any problems or provides unexpected results is irrelevant. These clearly are not legitimate requirements for patentability. The statutory requirement of utility, novelty, and non-obviousness are clearly met by the claimed inventions. There is no motivation to make the modification, as is apparent from the Examiner's inability, after reviewing the disclosure, to understand the benefits of the

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modification. The prior art cited by the Examiner provides no motivation.


Should the Examiner present the required analysis, it should be provided in the non-final office action, so that the Applicant has a fair opportunity to have this application examined.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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By:



K. David Crockett, Esq.
Reg. No. 34311